

FILED

JUL 24 2019

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MICHAEL STAMPS and BARBARA
STAMPS,

Plaintiffs,

vs.

MOVING PROS INC., CLAIMS
SERVICE INTERNATIONAL, and
DOES 1-10,

Defendants.

CV 18-115-M-DWM

ORDER

Plaintiffs Michael and Barbara Stamps filed this suit on June 21, 2018, alleging claims based on the loss of or damage to their personal property during their move from California to Montana. (Doc. 1.) The Stamps allege breach of contract and violations of the Carmack Amendment, 49 U.S.C. § 14701, et seq., and Montana's Unfair Trade Practices Act, Mont. Code Ann. § 33-18-101, et seq. (Doc. 1.) Both Defendants Moving Pros Inc. and Claims Service International appeared in the case and answered the complaint. (*See* Docs. 7, 9, 21, 22.) All parties also appeared before the undersigned for a preliminary pretrial conference

on January 4, 2019. (*See* Docs. 12–19.) Trial was set for December 2019. (*See* Sched. Or., Doc. 20.)

On May 2, 2019, counsel for both Moving Pros Inc. and Claims Service International sought to withdraw. (*See* Doc. 26.) That motion was granted, and both defendants were given two weeks to retain new counsel or face default. (*See* Doc. 28.) Claims Service International noticed its new counsel on May 21, 2019. (Doc. 29.) Moving Pros failed to retain new counsel and, on May 24, 2019, the Stamps sought default against Moving Pros. (*See* Doc. 32.) The Clerk entered default on May 29, 2019. (Doc. 33.)

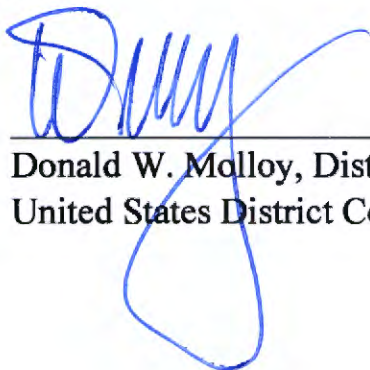
On July 19, 2019, the Stamps and Claims Service International filed a stipulation to dismiss the Stamps' claims against Claims Service International with prejudice. (Doc. 34.)

Accordingly, IT IS ORDERED:

- (1) That the Complaint against Claims Service International is DISMISSED WITH PREJUDICE, each party to bear its own costs and fees;
- (2) That the final pretrial conference set for November 26, 2019, and the jury trial set for December 9, 2019, and all associated deadlines are VACATED;
- (3) That the Stamps shall apply for default judgment under Federal Rule of Civil Procedure 55(b) against Defendant Moving Pros on or before **August 1**,

2019. The Stamps shall provide Moving Pros with notice of both the entry of this order and their application for default judgment.

DATED this 24th day of July, 2019.



Donald W. Molloy, District Judge
United States District Court

10:14 AM.